

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC RIM WINEMAKERS, INC.,	)	
	)	No.
Plaintiff,	)	
	)	COMPLAINT FOR
v.	)	DECLARATORY JUDGMENT OF
	)	TRADEMARK NON-
BRUTOCAO VINEYARDS, INC.,	)	INFRINGEMENT
	)	
Defendant.	)	
	)	

Plaintiff Pacific Rim Winemakers, Inc. ("Pacific Rim") complains of Brutocao Vineyards, Inc. ("Brutocao") as follows:

1. Pursuant to 28 U.S.C. §§ 2201, *et seq.*, Pacific Rim seeks a declaration that it has not infringed any trademarks owned by Brutocao.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1338(a) and 28 U.S.C. § 1332.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

**PARTIES**

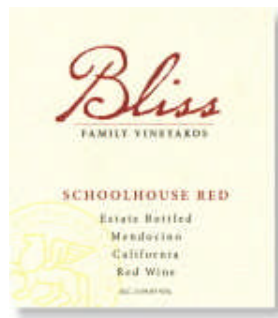
4. Pacific Rim is a Washington corporation with a place of business in West Richland, Washington.

5. On information and belief, Brutocao is a California corporation with its principal place of business in Hopland, California. On information and belief, Defendant does business in the state of Washington.

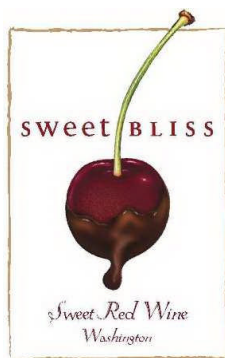
### FACTUAL ALLEGATIONS

6. Both parties are in the business of selling wine.

7. Brutocao purports to be the owner of the BLISS mark for wine and the U.S. Trademark Reg. No. 3,187,029, for the mark. An exemplar of the Brutocao label is as follows:



8. Pacific Rim is the owner of the SWEET BLISS mark for wine and the U.S. Trademark Application Serial No. 85/146,280, for the mark. An exemplar of the Pacific Rim label is as follows



9. On December 16, 2010, Brutocao sent a letter to Pacific Rim alleging that Pacific Rim's use of SWEET BLISS would confuse the public into thinking that Pacific Rim's products "come from, or are affiliated with or sponsored by, Brutocao." Brutocao

1 made various demands in the letter, including that Pacific Rim expressly abandon its  
2 trademark application and agree not to sell any wine incorporating the term “Bliss.”

3 10. As illustrated above, the labels used by the parties for their respective products  
4 differ substantially, which precludes any likelihood of confusion as to the relationship of the  
5 parties or source of their goods.

6 11. There is an actual controversy as to whether Pacific Rim has infringed the  
7 trademark BLISS or any related trademarks.

8 12. Pacific Rim has a reasonable apprehension that a lawsuit for trademark  
9 infringement is imminent unless it complies with Brutocao’s demands.

10 **FIRST CLAIM FOR RELIEF**

11 **DECLARATION OF NON-INFRINGEMENT AND UNFAIR COMPETITION**

12 13. Pacific Rim incorporates the allegations of paragraphs 1 through 12 as if fully  
13 set forth herein.

14 14. Pacific Rim’s use of the term “Sweet Bliss” is not likely to cause confusion or  
15 mistake or deceive as to the source of any goods or as to the affiliation connection, or  
16 association of Pacific Rim and Brutocao.

17 15. Pacific Rim is entitled to a declaration that it does not infringe Brutocao’s  
18 claimed rights in the trademark BLISS or related marks, or unfairly compete with Brutocao.

19  
20 **PRAYER FOR RELIEF**

21 Wherefore Pacific Rim prays for judgment against Brutocao as follows:

22 1. A declaratory judgment that Pacific Rim has not infringed Brutocao’s claimed  
23 rights in the trademark BLISS or any related marks owned by Brutocao, or otherwise unfairly  
24 competed with Brutocao, and is entitled to registration;

25 2. An award to Pacific Rim of damages, costs, and reasonable attorneys’ fees;

26 3. An award of such and further relief as may be just and equitable under the  
27 circumstances.

**JURY TRIAL**

Plaintiff hereby demands a trial by jury for all issues so triable.

DATED this 4th day of January, 2011.

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